

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MARY E. MILLER,	:	
Plaintiff,	:	
vs.	:	Case No. 3:15cv00153
CAROLYN W. COLVIN,	:	Magistrate Judge Sharon L. Ovington
Commissioner of the Social	:	(By consent of the parties)
Security Administration,	:	
Defendant.	:	

DECISION AND ENTRY

This social security case is before the Court upon the Motion For Reconsideration of Attorney Fees (Doc. # 21), filed by Plaintiff and Plaintiff's attorney's Response in Opposition. (Doc. #22). Plaintiff's counsel sought an award of attorney fees under 42 U.S.C. § 406(b)(1), which this Court previously granted. Plaintiff apparently believes that the attorney fee award should be paid to her rather than her attorney.

Plaintiff has expressed dissatisfaction with the services of her attorney despite the fact that he was able to obtain benefits for her. Most of Plaintiff's dissatisfaction stems from her erroneous belief that her attorney caused the delay that she undoubtedly suffered

in this case. However, it is abundantly clear that the fault for the delay lies with the Commissioner, which was acknowledged by Commissioner's counsel. Indeed, the actions taken by her attorney were made in an attempt to protect her claims which were ultimately successful.

Plaintiff also asserts that her attorney did not challenge any findings as the result of the hearing before the ALJ. The record reveals that this assertion is completely inaccurate. Plaintiff's attorney did indeed challenge the decision of the ALJ and ultimately prevailed in this Court. Social Security applicants must go through a long and rigorous process in order to obtain benefits. In all cases where the Commissioner denies benefits, the next step is to file an appeal in this Court. Thus, Plaintiff's claim that her attorney "...filed a Federal lawsuit prolonging the award of my benefits" is completely mistaken. In fact, it is because of the actions of Plaintiff's counsel that she ultimately prevailed in this Court. As such, the skill and extensive experience of Plaintiff's counsel in litigating social security cases—and in litigating this case—is commensurate with the attorney fee previously awarded.

Accordingly, the Court hereby **ORDERS** that:

1. The Motion For Reconsideration of Attorney Fees (Doc. # 21) is **DENIED**;
2. The Clerk of Court is ordered to mail a copy of this **ORDER** to Plaintiff Mary Miller at her last known address- 85 Ridge Rd, Apt. #41, Brookville, Ohio 45309, and,

3. The case remains terminated on the docket of this Court.

October 16, 2017

s/Sharon L. Ovington
Sharon L. Ovington
United States Magistrate Judge